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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 764 OF 2003

Petitioner	:		J.N. Ahirwar, S/o Bansilal, aged about 34 years, Constable No. 894654143 in C.I.S.F, presently posted at C.I.S.E. Unit, Raipur Airport Mana, Raipur (CG) R/o C.I.S.F. Unit, Sector-3, Bhilai, Distt. Durg (CG)
	Versus		
Respondents	:	1.	Union of India Through-The Director General Central Industrial Security Force C.G.O. Complex, 13th Block, Lodhi Road, New Delhi
		2.	The Deputy Inspector General, C.I.S.F. Unit, B.S.P. Bhilai, Sector-3, Bhilai, Distt. Durg (CG)

Shri M.P.S. Bhatia counsel for the petitioner.
Shri S.K. Beriwal, learned Standing Counsel for Union of India/respondent No.1.
None for respondent No.2.

ORAL ORDER

(2nd February, 2006)

The petitioner who is a constable in the Central Industrial Security Force (for short "C.I.S.F.") was posted at C.I.S.F. Unit, B.S.P-Bhilai. The petitioner was allotted appropriate residential quarter at Bhilai where he was residing along with his family members. The petitioner has been transferred from B.S.P. Unit to C.I.S.F. Unit, Raipur Airport, Raipur by order dated 14.12.2001 (Annexure P-1). The allotment of residential quarter at Bhilai continued and the petitioner was moved for his job to Raipur Airport from C.I.S.F. Unit Bhilai. The petitioner has filed this petition under Article 226 of the Constitution of India praying that the petitioner be granted either Traveling Allowance for traveling from Bhilai to Raipur everyday or residential quarter at Raipur.

2. Learned counsel appearing for the petitioner submits that admittedly other similarly situated constables who perform 'A' and general shift duties are availing transport facility from Bhilai C.I.S.F. Unit, Bhilai to Raipur Airport to and fro but the petitioner and other similarly situated persons who are working in 'B' and 'C' shifts are not provided any bus facility or any residential quarter near the Raipur Airport. The petitioner is facing serious problem in commuting everyday not only in wasting time but is wasting money from his pocket also.

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3. Learned counsel appearing for the respondents submit that it is not possible to provide bus facility from Bhilai to Raipur to each and every personnel who have been directed to perform duties at Raipur Airport. Learned counsel for the respondents has no reply to query as to why the petitioner has been allotted a Government quarter in Bhilai when he is working at Raipur Airport.

4. I have heard the learned counsel for the parties and perused the records. It is evident and admitted in the return filed by the respondents that transport facility is being provided to some of the constables who are working in A-shift and general shift duties. There is no reason assigned for this discrimination except that it is not possible to provide transport facilities to all the personnel who are attending their duties daily at Raipur Airport. Office Memorandum dated 26.2.2001 (Annexure R-3) issued by Ministry of Finance clearly provides for composite transfer grant to the Government servants where the distance between the two stations is more than 20 Kms and there is no change in the provision of residential quarter. In the present case, there is no change of residence for the petitioners who are working at a distance around 45 kms. The petitioners are entitled to either regular transport facility or transport allowances or residential quarter near Raipur Airport.

5. For the reasons stated above, respondents are directed to consider the case of the petitioner for grant of transport facility or transport allowance or allotment of residential quarter near Raipur Airport within a period of four weeks from the date of receipt of a copy of this order.

6. The petition is allowed to the above extent. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Priya